

In the Matter of)
) MB 05-28
Inquiry Regarding the Impact of Certain)
Rules on the Competition in the Multichannel
Video Programming Distribution Marketplace)

Microcom strongly disagrees with the Professional Sports Leagues contention “the record does not provide any basis for diminishing the already limited scope of the sports rule.” The limited scope of the sports rule is creating a situation in Alaska and Hawaii that affects the competitiveness of DBS and continually frustrates sports fans in both states. Consistently, all the leagues have forced blackout rules on Alaska and Hawaii viewers by including them in the markets of west coast sports teams. Thankfully, they have exempted Guam, but after all they are on another day. In Hawaii, five different baseball teams have seen fit to claim the entire market as a “their” local market (the Mariners, Giants, Athletics, Angels, and Dodgers). We understand this happens in other locations are the country, e.g., where six teams claim home market rights.

Viewers in Alaska or Hawaii can not just go down to their local professional sports franchise and purchase a ticket. They have been known to buy a rather expensive airline ticket, rent a car, stay in a hotel, and spend a couple of days to see their favorite team. Sports blackouts do not affect their decision to attend a game, but certainly deny these fans the ability to see the games they want to see. Over the years Microcom has asked program providers why games were being blacked out in Hawaii and Alaska and has never received a coherent response. We can only conclude that the current situation in both states shows how irrationally a rule can be applied. The action by professional leagues extending blackout rules to geographic areas of the country which have no local team, does a disservice to the players, the teams, the advertisers, and most of all sports fans which are fueling the enterprise.

The net effect of the current sports blackout rules in Alaska and Hawaii is to diminish the competitiveness of DBS by rendering the sports packages on DBS much less desirable since you aren't quite sure when you buy the package which games you will be able to see.

We strongly urge the FCC to restrict the application of sports blackout rules to only those geographic areas of the country with a reasonable opportunity to attend the sports event being blacked out. Extending a sports blackout to points more than 500 miles from the place where the event is being played is unreasonable and goes far beyond the original intent of the blackout rules.

Respectfully Submitted:

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